

UNITED STATES DISTRICT COURT

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>ANNIE LOU SANDERS, WILL SANDERS, and INEZ SANDERS, Individually and as the Heirs at Law of Donald Lee Sanders, deceased</p> <p>VS</p> <p>RICK NOLAN and THE CITY OF TULSA, OKLAHOMA, <i>as defendant</i> a municipal corporation</p>		<p>For plaintiff:</p> <p>Fred P. Gilbert 1401 National Bank of Tulsa Bldg., Tulsa, Okla. 74103 (582-8201)</p> <p>For defendant:</p> <p><i>582-8121</i> Larry L. Oliver (Nolan) John Wallace Fourth Natl. Bldg. Tulsa, Okla. 74119</p> <p>Philip S. Haney, Asst. City Atty. City Hall Tulsa, Okla. 74103</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>1-1-73</i> <i>4-1-74</i>	Clerk	12-4-72	Gilbert	15 00	
J.S. 6 mailed <i>1-1-74</i> <i>7-1-75</i>	Marshal	12-7-72	C.D.No.25		15 00
Basis of Action: Damages for wrongful death	Docket fee	3-16-73	Gilbert	5 00	
Action arose at: Tulsa, Okla.	Witness fees	3-22-73	C.D.No.41		5 00
	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-4-72	Complaint, filed. Summons issued. g	
12-7-72	Return on summons filed. Served Rick Nolan, Tulsa Police Dept.; served Mr. Francis Campbell, city auditor; Hon Robt. LaFortuen, Mayor, City of Tulsa, all at Tulsa, Okla. on 12-4-72. \$9.00. h	
12-26-72	Appl. of def. Rich Nolan for ext. of time to ans., filed. rm <i>can be g.</i>	
12-26-72	Motion to dismiss of deft. City of Tulsa, Okla., filed. hm	
12-26-72	Memorandum brief in support of the motion to dismiss of the deft. City of Tulsa, filed. hm	
1-3-73	Order, filed, that deft. Rick Nolan is granted an additional 15 days to plead or answer. (LB-J)hm (copies mailed)	
1-19-73	Answer of def. Rick Nolan, with <u>DEMAND FOR JURY TRIAL</u> , filed. rm	
1-23-73	Defendant Nolan's demand for jury trial, filed. ds	
1-24-73	Deft's First Written Interrogatories, filed. r	
2-2-73	Notice to take Dep. of deft. Nolen at 10 a.m., 2-9-73, filed. g	
2-14-73	Plaintiff's response to defendant City of Tulsa's motion to dismiss, filed. ds	
2-14-73	Hearing held on motion to dismiss of deft. City of Tulsa. Deft. to file motion within 10 days; pltf. to file brief 10 days thereafter. Court takes ruling under advisement and will enter an order. (LB-J)hm	
2-14-73	Letter dated 2-14-73 from Pltf. counsel to Judge Bohanon stating both parties request a ruling on motion to dismiss before evidence-taking, filed ^{in open court.} hm	
2-22-73	Order, filed and entered, that complaint as against deft. The City of Tulsa, is hereby dismissed. (LB-J)hm (copies mailed)	
3-15-73	Case set for pre-trial 3-26-73 at 1:30 p.m. (LB-J)hm	
3-16-73	Notice of appeal by pltf. as to order dismissing def. City of Tulsa, filed. rm (copies to USCA, Larry Oliver, Philip Haney)-ltr to Gilbert	
3-26-73	Case called for pre-trial hearing. Inasmuch as pltf. has filed notice of appeal, pre-trial is held in abeyance until ruling by Circuit. Pltf. to file motion with order nunc pro tunc (to dismiss action as against City of Tulsa) as soon as possible. Pltf. requests Court to waive filing of \$250 appeal bond, and Court denies request. (LB-J)hm	
4-18-73	Amendment to complaint, filed, w/leave granted by Judge Bohanon. rm	
5-1-73	Deft.s Motion to Dismiss, filed. jj	
5-1-73	Deft.s ^{me} Morandum Brief in Support of the Motion to Dismiss, filed. jj	
5-24-73	Pltf's Motion for Continuance including brief, filed. jj	
5-24-73	Hearing called on deft's Motion to Dismiss. Parties rep. Pltf req. continuance - granted by Court to be reset on next Motion Docket. Pltf to file brief within 10 days; deft to respond within 10 days thereafter. (LB-J)r	

(cont)

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-14-73	Letter from atty. Gilbert to Judge Bohanon requesting filing of amended complaint, filed. hm	
6-14-73	Ordered by the Court that the request of the Pltf. for the filing of an amended complaint is hereby denied. (LB-J)hm (letter written) Pltf's.	
7-17-73	Resp. to Mtn. to Dismiss & Mtn. for Relief from Order, filed. jj	
7-19-73	Case passed from hearing on motion to dismiss of City of Tulsa, to be reset on next motion docket. (LB-J)hm	
8-27-73	Hearing held on pltf's motion for relief from order and on motion of deft. City of Tulsa to dismiss. Pltf's motion is granted; Court's order of 6-14-73 is vacated and pltf. is allowed to amend complaint; deft. is given 20 days to answer; deft's motion to dismiss is overruled. (LB-J)hm	
9-24-73	Plaintiff's second amendment to complaint, filed. ds	
10-3-73	Motion to Strike, of deft City of Tulsa, filed. r	
10-3-73	Memorandum Brief in support of Motion to Dismiss of deft. City of Tulsa, filed. r	
10-15-73	Affidavit of Francis F. Campbell, filed. v	
10-15-73	Response to City's Motion to Dismiss (of Oct. 3, '73), filed by Pltf.s. v	
10-15-73	Hearing held before Magistrate on motion of deft. City of Tulsa to strike and motion to dismiss. It is recommended that motion to strike be overruled and that motion to dismiss is taken under advisement. Deft. City of Tulsa given 5 days to respond to pltf's response. (MLB-Mag)hm	
10-19-73	Reply of Deft., City of Tulsa, to Pltfs' Resp. to City's Mtn. to Dismiss, filed. jj	
12-10-73	Hearing held on motion of deft. City of Tulsa to strike and motion to dismiss. Court takes motion and briefs under advisement and will enter an order within a week. (LB-J)hm & entered.	
12-19-73	Order of Dismissal filed/ (LB-J)jj	
12-31-73	Pltfs' Motion to Amend or Relieve from Order, filed.a	
2-8-74	Case called for hearing on pltf's motion to amend or relieve from order. Ruling reserved and pltf. to file brief within 5 days. (LB-J)hm	
2-27-74	Memorandum in support of motion to amend or relieve from order, filed. hm and entered	
3-25-74	Order, filed/ Amending the Order of Dismissal filed on 12-19-73, to read as follows: Ordered by the Court that the Pltfs' cause of action against the City of Tulsa, OK, be dismissed. (As to the City of Tulsa only.) (LB-J)v -copies mailed.	
4-8-74	Answer of Rick Nolan to second amendment to complaint, filed. hm	
4-17-74	Mtn. for Order Compelling Ans. of Int. served on pltfs., filed.jj	
4-17-74	Brief in Support of above Mtn., filed.jj 0 to J	

(contd.)

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-12-74	MO: Upon stipulation of parties, it is ordered by the Court that hrg. on def. mo/compel ans. to interrogatories, set for 6/17/74 at 9:30 a.m., is passed until next motion docket. (LB-J)rm - ltr written	written
7-25-74	Case called for hearing on deft's motion for order compelling ans. of interrog. served on pltfs. Hearing passed, to be reset. (LB-J)hm	
9-10-74	ANSWERS to Interrogatories filed by Pltfs. jj	
9-10-74	Case called for hearing on deft's motion for order compelling answers of interrog. served on pltfs. Pltf. announces he has filed answers to interrog., so motion now moot. Court allows parties 10 days to file any further pleadings, then case to be set for pre-trial hearing. (LB-J)hm	(LB-J)hm
11-25-74	Case set for pre-trial hearing 12-17-74 at 9:30 a.m. (LB-J)hm	
12-17-74	Pre-trial hearing held. Statements made. Pltf. to prepare pre-trial order within 10 days and case to be set on jury docket after January. (LB-J)hm	
4-7-75	MO: Case set for jury trial for 10:00 a.m., Monday, 6/2/75. (LB-J)rm	rm-notice
6-3-75	Jury trial held 6/2/75 and 6/3/75. Parties appear in person & rep. by counsel of record. Both parties move for continuance - denied. Pltf. announces that pltf., Annie Lou Sanders desires not to prosecute and pltf. Inez Sanders is now deceased, and req. that case continue with Will Sanders, father of deceased - granted. <u>Order of dismissal as to pltfs., Annie Lou Sanders & Inez Sanders, w/prej. signed and filed.</u> Case tried to jury; witnesses sworn & testify; exhibits admitted. Ct. instructs; bailiff sworn, jury retires to deliberate at 4:15 p.m., 6/2/75. Jury returns w/verdict at 10:55 a.m., 6/3/75, in favor of the def. and against the pltf. Jury discharged. Clerk directed to prepare judg. on jury verdict. (LB-J)rm	
6-3-75	Verdict, filed in open court. rm	
6-3-75	Note from Foreman, filed. rm	
6-3-75	Court instructions to jury, filed. rm	
6-3-75	Judgment on jury verdict, in favor of defendant and against plaintiff, filed and entered. (JCS-Clk)rm - copies mailed	